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KING COUNTY
SUPERIOR COURT CLERK
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CASE #: 20-2-09631-8 KNT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

DANNY L. PELLUM,

Plaintiff,

vs.

KING COUNTY, KING COUNTY
DEPARTMENT OF ADULT DETENTION
and JOHN DOES 1-10,

Defendants.

NO.

COMPLAINT FOR DAMAGES

NATURE OF THE CLAIM

1.) This is an action brought by the plaintiff against the above named defendants. The plaintiff seeks monetary damages for violation of the federal law and state law.

I.

JURISDICTION

2.) Defendant King County is a political subdivision of the State of Washington, whose

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COMPLAINT FOR
DAMAGES

Harold H. Franklin, Jr.--Attorney at Law
459 Seneca Ave NW
Renton, WA, 98057
Phone: (206) 617-7031

principal offices are located in Seattle, King County, Washington.

3.) Personal jurisdiction over the defendants is obtained because the King County Adult Correction facility is run and operated by King County by and through the Department of Adult Detention. At all times relevant to this lawsuit, Seattle, King County, Washington.

II.

VENUE

4) Venue is proper in this Court, in as much as the defendants can be found in King County, Washington, and the cause of action has arisen and occurred in King County.

III.

PARTIES

5.) The plaintiff, Danny L. Pellow is an individual who resides in King County, Washington. Mr. Pellow had been diagnosed with a mental health condition prior to be booked into the King County Adult Correction facility, in Seattle, King County Washington (King County Jail).

6.) At all times alleged herein the actions of the all the defendants occurred while the Plaintiff was being held in the King County Jail.

7.) John Does 1-10, whose names are not known at this time, were employees of the King County Department of Adult Detention. Each and every one of these named Defendants has a master/servant relationship with their employer, which is King County. While conducting their official duties, all of the above-named Defendants engaged in tortious conduct against the Plaintiff and King County vicariously liable for the tortious acts committed by their employees in the normal course of business.

IV.

STATEMENT OF CLAIM

8.) Paragraphs 1 – 7 above are incorporated herein by reference.

9.) On or about August 5, 2018, the Mr. Pellum, an individual suffering from a mental health disorder, who had not been taking his medication for a few days prior to this incident, was arrested by the Seattle Police Department on a misdemeanor assault charge and was taken to the King County Jail. During the booking process, while Mr. Pellum was in handcuffs, an argument ensued and Mr. Pellum attempted to spit on one of the guards. In response to this, a number of guards jumped on Mr. Pellum to restrain him. During the altercation the guards broke Mr. Pellum's leg and damaged his knee.

10.) Mr. Pellum was rushed to Harborview Medical Center where he underwent surgery to repair the injury to his leg. After being in the hospital for 22 days, Mr. Pellum was sent to Burien Skilled Nursing Center where he underwent rehabilitation treatment for another 42 days.

11.) As a direct and proximate cause of the defendants unlawful actions, the plaintiff has suffered damages including permanent physical, mental and emotional injuries, pain, mental anguish, suffering, humiliation and embarrassment.

12.) On or about September 7, 2018, the plaintiff filed a claim against King County and set forth in a demand of Mr. Pellum's claim in writing on or about January 4, 2019. King County has failed to adjust this claim within 60 days and therefore, Mr. Pellum has complied with the RCW 4.96.020 prior to filing this action.

V.

ASSAULT AND BATTERY

13.) Plaintiff alleges and re-alleges and incorporates by reference the allegations set forth in paragraphs 1-12.

14.) Through their conduct, the defendants placed Mr. Pellum in a state of fear of imminent,

physical contact and they did intentionally and unlawfully touch Mr. Pellum without his consent. This unwanted and unlawful physical touching caused Mr. Pellum to suffer great anxiety due to the assault and the battery of the Defendants.

15.) Defendants had knowledge that their conduct was unwelcome and offensive and harmful to Mr. Pellum.

16.) As a result of the Defendants' conduct the Plaintiff has suffered legally compensable harm including pain and suffering, loss of enjoyment of life, mental anguish, injury and humiliation, to address the psychological damages caused by Defendants' conduct.

VI.

VIOLATION OF 42 U.S.C. §1983 AND THE FOURTH, FIFTH AND FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

17.) Plaintiff alleges and re-alleges and incorporates by reference the allegations set forth in paragraphs 1-16.

18.) All Defendants by their acts and omissions set forth above under the color of law, without legal justification wrongfully restrained, seized the plaintiff by using excessive force upon him in violation of the plaintiff's rights under the Fourth, Fifth and Fourteenth Amendments of the United States Constitution, in violation of 42 USC § 1983.

19.) As a direct and proximate result of the Defendants wrongful conduct, plaintiff has suffered damages, including extreme pain and extreme emotional distress and humiliation.

VII.

NEGLIGENCE

20.) Plaintiff alleges and re-alleges and incorporates by reference the allegations set forth in

paragraphs 1-19.

21.)The Defendants by their acts and omissions set forth above, were negligent toward the plaintiff by breaching a duty owed to the plaintiff, and said breach of that duty was the a proximate cause of the damages sustained by the plaintiff.

22.)As a direct and proximate result of the Defendants wrongful conduct, plaintiff has suffered damages, including extreme pain and extreme emotional distress and humiliation.

VIII.

CAUSATION AND DAMAGES

23.) Plaintiff repeats, re-alleges, and hereby incorporates by reference each and every allegation in paragraphs 1- 22 as set forth herein in full, and plaintiff further alleges as follows:

24.) Equitable relief or prospective relief alone is inappropriate here. Rather, the plaintiff is entitled to general and special damages, punitive damages, reasonable attorney's fees, and the broadest of monetary damage remedies.

25.) As a direct and proximate cause of the Defendants above-described tortuous conduct, and their violations of statutory and common law, the plaintiff has suffered substantial special and general damages of a kind that would be normally foreseeable;

26.) As a direct and proximate result of the above-described acts of the Defendants, the plaintiff has suffered severe emotional distress, inconvenience, pain and suffering, humiliation, anxiety, loss of enjoyment of life, loss of self respect and other non-pecuniary losses as previously alleged herein, and the plaintiff will continue to suffer these losses into the foreseeable future.

27.) As a direct and proximate result of the above-described acts of the Defendants, the plaintiff suffered special damages for costs associated with the any medical and prescription costs, and pending damages for further medical treatment.

28.) The plaintiff prays for attorney's fees, costs, and any pre-judgment interest to date;

29.) Such other and further relief as the law provides to remedy the plaintiff's injuries.

IX. PRAYER FOR RELIEF

WHEREFORE, the plaintiff respectfully requests that this Court grant the following relief:

1.) Enter a judgment that the acts and practices of the Defendants complained of herein are in violation of the laws of federal law, state law and/or common law;

2.) Award the plaintiff compensation for all present, and future lost wages; including without limitation;

3.) Award the plaintiff compensation for all past, present, and future medical and related health care expenses;

4.) Award the plaintiff compensatory damages for all past, present, and future pain and suffering and other general and non-pecuniary and punitive damages as herein before alleged;

5.) Award the plaintiff compensatory damages for all past, present, and future loss of enjoyment of life;

6.) Award the plaintiff the costs of this action, including the fees and costs of experts, together with reasonable attorney's fees.

7.) Award the plaintiff total damages in amount to be proven at the time of trial.

8.) Grant an Order restraining the Defendants from retaliating against any the witnesses, including employees who participate in this litigation.

9.) Grant the plaintiff such additional and further relief as this Court deems necessary, just, and equitable.

Respectfully Submitted this 4th day of June 2020.

/s/Harold H. Franklin, Jr.
WSBA #20486
Attorney for the Plaintiff